

# **DR. AMBEDKAR: THE PRINCIPAL ARCHITECT OF THE CONSTITUTION OF INDIA**

**From Dr. Ambedkar's entry into the Constituent Assembly to  
the presentation of the Draft of the Indian Constitution to the  
Constituent Assembly**

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## **FIRST SCHEDULE [Articles I and 4] THE STATES AND THE TERRITORIES of INDIA**

### **Part I**

**The territories known immediately before the commencement of this  
Constitution as the Governors' Provinces of—**

- 1. Madras,**
- 2. Bombay,**
- 3. West Bengal,**
- 4. The United Provinces,**
- 5. Bihar,**
- 6. East Punjab,**
- 7. The Central Provinces and Berar,**
- 8. Assam,**
- 9. Orissa.**

### **Part II**

**The territories known immediately before the commencement of this  
Constitution as the Chief Commissioners' Provinces of—**

- 1. Delhi,**
- 2. Ajmer-Merwara including Panth Piptoda,**
- 3. Coorg.**

### **Part III**

#### **DIVISION A**

**The following Indian States—**

- 1. Mysore,**

2. Kashmir,
3. Gwalior,
4. Baroda,
5. Travancore,
6. Cochin,
7. Udaipur,
8. Jaipur.
9. Jodhpur,
10. Bikaner,
11. Alwar,
12. Kofah,
13. Indore,
14. Bhopal,
15. Bewa,
16. Kofhapur,
17. Patiala,
18. Mayurbhani,
19. United State of Kathiawar.

#### **DIVISION B**

All other Indian States which were within the Dominion *of* India immediately before the commencement of this Constitution.

#### **Part IV**

The Andaman and Nicobar Islands.

#### **SECOND SCHEDULE**

**[Articles 48 (3), 62 (6), 79, 104, 124 (2), 135 (3), 145 (5), 163 and 197]**

#### **Part 1**

#### **PROVISIONS AS TO THE PRESIDENT AND THE GOVERNORS of STATES FOR THE TIME BEING SPECIFIED IN PART I of THE FIRST SCHEDULE**

1. There shall be paid to the President and to the Governors of the States for the time being specified in Part I of the First Schedule the following emoluments per menses, that is to say:—

The President                      ...    5,500 rupees.

The Governor of a State ... 4,500 rupees.

2. There shall be also paid to the President and to the Governors the following allowances per mensal during their respective terms of offices to enable them to discharge conveniently and with dignity the duties of their respective offices, that is to say:—

The President —rupees.

The Governor of a State —rupees.

3. There shall be paid to the President and a Governor an allowance equal to the actual expenses respectively incurred by them in travelling with their families, if any, and their and their families' effects to take up the appointment of the President or Governor as the case may be.

4. The President and each Governor throughout their respective terms of office shall be entitled without payment of rent or hire to the use of the official residences and of the railway saloons, river craft, air craft and motor cars provided for their respective use and no charge shall fall on them personally in respect of the maintenance thereof.

5. While the Vice-President or any other person is discharging the functions of the, or is acting as, President, or any person is discharging the functions of the Governor, he shall be entitled to the same emolument and allowance under paragraphs 1 and 2 of this Schedule as the President or the Governor whose functions he discharges or for whom he acts, as the case may be, and during the period he so discharges the functions or acts, the provisions of paragraph 4 of this Schedule shall apply to him, but the provisions of 140 paragraph 3 thereof shall not apply to him.

## **Part II**

### **PROVISIONS AS TO THE MINISTERS FOR THE UNION AND FOR THE STATES IN PART I of THE FIRST SCHEDULE**

6. There shall be paid to the Prime Minister and to each of the other Ministers for the Union such salaries and allowances as were payable respectively to the Prime Minister and to each of the other Ministers for the Dominion immediately before the commencement of this Constitution.

7. There shall be paid to the Ministers for any State for the time being specified in Part I of the First Schedule such salaries and allowances as were payable to such Ministers for the corresponding Province immediately before the commencement of this Constitution.

## **Part III**

**PROVISIONS AS TO THE SPEAKER AND THE DEPUTY SPEAKER of THE HOUSE of THE PEOPLE, AND THE CHAIRMAN AND THE DEPUTY CHAIRMAN of THE COUNCIL of STATES AND THE SPEAKER AND THE DEPUTY SPEAKER of THE LEGISLATIVE ASSEMBLIES of STATES IN PART I of THE FIRST SCHEDULE AND THE CHAIRMAN AND THE DEPUTY CHAIRMAN of THE LEGISLATIVE COUNCILS of SUCH STATES**

8. There shall be paid to the Speaker of the House of the People and the Chairman of the Council of States such salaries and allowances as were payable to the Speaker of the Constituent Assembly of the Dominion of India immediately before the commencement of this Constitution, and there shall be paid to the Deputy Speaker of the House of the People and to the Deputy Chairman of the Council of States such salaries and allowances as were payable respectively to the Deputy President of the Legislative Assembly and to the Deputy President of the Council of State immediately before the fifteenth day of August, 1947.

9. There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly of a State for the time being specified in Part I of the First Schedule and to the Chairman and the Deputy Chairman of the Legislative Council of such State such salaries and allowances as were payable respectively to the Speaker and the Deputy Speaker of the Legislative Assembly and the President and the Deputy President of the Legislative Council of the corresponding Province immediately before the commencement of this Constitution and where the corresponding Province had no Legislative Council immediately before such commencement there shall be paid to the Chairman and the Deputy Chairman of the Legislative Council of the State such salaries and allowances as the Governor of the State may determine.

**Part IV**

**PROVISIONS AS TO THE JUDGES of THE SUPREME COURT AND of THE HIGH COURTS**

10. There shall be paid to the judges of the Supreme Court and of each High Court within the territory of India except the States for the time being specified in Part III of the First Schedule in respect of time spent on actual service salary at the following rates per mensal, that is to say:—

Chief Justice of the Supreme Court . 5,000 rupees:

Any other judge of the Supreme Court .	4,500 rupees:
Chief Justice of a High Court .	4,000 rupees:
Any other judge of a High Court .	3,500 rupees:

Provided that if a judge of the Supreme Court at the time of his appointment is in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Government of India or any of its predecessor Governments or under the Government of a State for the time being specified in Part I of the First Schedule or any of its predecessor Governments, his salary in respect of service in the Supreme Court shall be reduced by the amount of that pension.

**11.** The Chief Justice or any other judge of the Supreme Court or a Chief Justice or any other judge of a High Court within the territory of India except the States for the time being specified in Part III of the First Schedule shall receive such reasonable allowances to reimburse him for expenses incurred in travelling on duty within the territory of India and shall be afforded such reasonable facilities in connection with travelling as the President in the case of the Chief Justice or any other judge of the Supreme Court, or the Governor of the State in the case of the Chief Justice or any other judge of such High Court, may from time to time prescribe.

**12.** (1) The rights in respect of leave of absence or pension of the Chief Justice or any other judge of the Supreme Court shall be governed or shall continue to be governed, as the case may be, by the provisions which were applicable to any such judge of the Federal Court.

(2) The rights in respect of leave of absence or pension of the Chief Justice or any other judge of a High Court within the territory of India except the States for the time being specified in Part III of the First Schedule shall be governed or shall continue to be governed, as the case may be, by the same provisions which were applicable immediately before the commencement of this Constitution to any such judge of such High Court.

(3) For the purposes of this paragraph, a person who was serving as an adhoc judge, acting judge or additional judge at the commencement of this Constitution shall be deemed to have been serving as a judge at that date if, but only if, his service as such ad hoc judge, acting judge or additional judge continued without interruption until his subsequent permanent appointment as a judge.

**13.** In this Part, unless the context otherwise requires,—

(a) the expression "Chief Justice" includes an acting Chief Justice, and a "judge" includes an ad hoc judge, an acting judge and an additional judge;

(b) "actual service" includes—

(i) time spent by a judge on duty as a judge or in the performance of such other functions as he may be directed by the President or the Governor, as the case may be, or by the Commission appointed under Article 289 of this Constitution to discharge;

(ii) vacations, excluding any time during which the judge is absent on leave; and

(iii) joining time on transfer from a High Court to the Supreme Court or from one High Court to another.

## **Part V**

### **PROVISIONS AS TO THE AUDITOR-GENERAL of INDIA**

**14.** There shall be paid to the Auditor-General of India a salary at the rate of four thousand rupees per menses.

**15.** The rights in respect of leave of absence or pension of the Auditor-General of India shall be governed or shall continue to be governed, as the case may be, by the provisions which were applicable to the Auditor-General of India immediately before the commencement of this Constitution and all references in those provisions to the Governor General shall be construed as references to the President.

## **THIRD SCHEDULE**

**[Articles 62 (4), 81, 103 (6), 144 (2), 165 and 195]**

### **FORMS of DECLARATIONS**

#### **I**

Form of oath of office for a Minister for the Union:—

"I, A. B., do solemnly affirm (or swear) that I will bear true faith and allegiance to the Constitution of India as by law established, that I Will faithfully and conscientiously discharge my duties as a Minister for the "Union and that I will do right to all manner of people in accordance with the Constitution and the law, without fear or favour, affection or ill will."

#### **II**

Form of oath of secrecy for a Minister for the Union:—

"I, A. B., do solemnly affirm (or swear) that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Minister for the Union except as may be required for the due discharge of my duties as such Minister."

### III

Form of declaration to be made by a member-of Parliament:—

"I, A. B., having been elected (or nominated) a member of the Council of States (or the House of the People) do solemnly and sincerely promise and declare that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter. "

### IV

Form of declaration to be made by the judges of the Supreme Court:—

"I, A.B., having been appointed Chief Justice (or a judge) of the Supreme Court of India do solemnly and sincerely promise and declare that I will bear true faith and allegiance to the Constitution of India as by law established, that I will duly and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office without fear or favour, affection or ill will and that I will uphold the Constitution and the laws. "

### V

Form of oath of office for a Minister for a State for the time being specified in Part I of the First Schedule:—

"I, A. B., do solemnly affirm (or swear) that I will bear true faith and allegiance to the Constitution of India as by law established, that I will faithfully and conscientiously discharge my duties as a Minister for the State of— and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or ill will."

### VI

Form of oath of secrecy for a Minister for a State for the time being specified in Part I of the First Schedule:—

"I, A. B., do solemnly affirm (or swear) that I will not directly or indirectly

communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Minister of— —except as may be required for the due discharge of my duties as such Minister or as may be specially permitted by the Governor in the case of any matter pertaining to the functions to be exercised by him in his discretion"

## VII

Form of declaration to be made by a member of the Legislature of a State for the time being specified in Part I of the First Schedule:—

"I, **A. B.**, having been elected (or nominated) a member of the Legislative Assembly (or Legislative Council), do solemnly and sincerely promise .and declare that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter. "

## VIII

Form of declaration to be made by the judges of a High Court:—

"I, **A. B.**, having been appointed Chief Justice (or a judge) of the High Court at (or of)—do solemnly and sincerely promise and declare that I will bear true faith and allegiance to the Constitution of India as by law established, that I will duly and faithfully and to the best of my ability, knowledge and judgement perform the duties of my office without fear or favour, affection or ill will and that I will up hold the Constitution and the laws."

## FOURTH SCHEDULE

### [Article 144 (4) ]

#### **INSTRUCTIONS TO THE GOVERNORS of STATES IN PART I of THE FIRST SCHEDULE**

1. In these instructions, unless the context otherwise requires, the term "Governor" shall include every person for the time being discharging the functions of the Governor according to the provisions of this Constitution.

2. In making appointments to his Council of ministers the Governor shall use his best endeavours to select his ministers in the following manner, that is to say, to appoint in consultation with the person who in his judgement is most likely to command a stable majority in the Legislature those persons (including so far as practicable members of important minority communities) who will best be in a position collectively to command the confidence of the



Legislature. In so acting, he shall bear constantly in mind the need for fostering a sense of joint responsibility among the ministers.

3. In all matters within the scope of the executive power of the State, save in relation to functions which he is required by or under this Constitution to exercise in his discretion, the Governor shall, in the exercise of the powers conferred upon him, be guided by the advice of his ministers.

4. The Governor shall do all that in him lies to maintain standards of good administration, to promote all measures making for moral, social and economic welfare and tending to fit all classes of the population to take their due share in the public life and government of the State, and to secure amongst all classes and creeds co-operation, goodwill and mutual respect for religious beliefs and sentiments.

## **FIFTH SCHEDULE** **[Articles 189 (a) and 190 (1)]**

### **PROVISIONS AS TO THE ADMINISTRATION AND CONTROL of SCHEDULED AREAS AND SCHEDULED TRIBES**

#### **Part I** **GENERAL**

1. Executive power of a State in scheduled areas.—Subject to the provisions of this Schedule the executive power of a State for the time being specified in Part I of the First Schedule extends to the scheduled areas therein.

2. Report by the Governor to the Government of India regarding the administration of—the scheduled areas.—The Governor of each State having scheduled areas therein shall annually, or whenever so required by the Government of India, make a report to that Government regarding the administration of the scheduled areas in that State and the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said areas.

#### **Part II**

### **PROVISIONS AS TO THE STATES of MADRAS, BOMBAY, WEST**

## **BENGAL, BIHAR, THE CENTRAL PROVINCES AND BERAR, AND ORISSA**

3. Application of Part II.—The provisions of this Part shall apply to the States of Madras, Bombay, West Bengal, Bihar, the Central Provinces and Berar, and Orissa.

4. Tribes Advisory Council.—(1) As soon as may be after the commencement of this Constitution, there shall be established in the States of Madras, Bombay, West Bengal, Bihar, the Central Provinces and Berar, and Orissa, a Tribes Advisory Council consisting of not less than ten and more than twenty-five members, of whom, as nearly as may be, three-fourths shall be elected representatives of the scheduled tribes in the Legislative Assembly of the State.

(2) It shall be the duty of the Tribes Advisory Council generally to advise the Government of the State on all matters pertaining to the administration of the scheduled areas, if any, and the welfare of the scheduled tribes in the State.

(3) The Governor may make rules prescribing or regulating as the case may be—

(a) the number of members of the Council, the mode of their appointment and of the appointment of its Chairman and of the officers and servants thereof;

(b) the conduct of its meetings and its procedure in general;

(c) its relations with officials and Total bodies in the State; and

(d) all other incidental matters.

5. Law applicable to scheduled areas.—(1) The Governor may, if so advised by the Tribes Advisory Council for the State, by public notification direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a scheduled area or any part thereof in the State or shall apply to a scheduled area or any part thereof in the State subject to such exceptions and modifications as he may with the approval of the said Council specify in the notification:

Provided that where such Act relates to any of the following subjects, that is to say—

(a) marriage;

(b) inheritance of property,

(c) social customs of the tribes;

(d) land, other than lands which are reserved forest under the Indian Forest Act, 1927 or under any other law for the time being in force in the area in

question, including rights of tenants, allotment of land and reservation of land for any purpose;

(e) any matter relating to village administration including the establishment of village panchayats, the (governor shall issue such direction when so advised by the Tribes Advisory Council.

(2) The governor may, after consultation with the Tribes Advisory Council for the State, make Regulations for any scheduled area in the State with respect to any matter not provided for by any law for the time being in force in such area.

(3) The Governor may also make regulations for any scheduled area in the State with respect to the trial of cases relating to offences other than those which are punishable with death, transportation for life or imprisonment for five years or upwards or relating to disputes other than those arising out of any such laws as may be defined in such regulations, and may by such regulations empower the headmen or panchayats in any such area to try such cases.

(4) Any regulations made under this paragraph when promulgated by the Governor shall have the same force and effect as any Act of the appropriate legislature which applies to such area and has been enacted by virtue of the powers conferred on that Legislature by this Constitution.

6. Alienation and allotment of lands to non-tribals in scheduled areas,~(1) It shall not be lawful for a member of the scheduled tribes to transfer any land in a scheduled area to any person who is not a member of the scheduled tribes;

(2) No land in a scheduled area vested in the State within which such area is situate shall be allotted to, or settled with, any person who is not a member of the scheduled tribes except in accordance with rules made in that behalf by the Governor in consultation with the Tribes Advisory Council for the State.

7. Regulation of money-lending in scheduled areas.—The Governor may, and if so advised by the Tribes Advisory Council for the 'State shall, by public notification direct that no person shall carry on business as a money-lender in a scheduled area in the State except under or in accordance with the conditions of a licence issued by an officer authorised in this behalf by the Government of the State and every such direction shall provide that a breach of it shall be an offence, and shall specify the penalty- with which it shall be

punishable.

8. Estimated receipts and expenditure pertaining to scheduled areas to be shown separately in the annual financial statement.—The estimated receipts and expenditure pertaining to a scheduled area in a State which are to be credited to, or is to be met from, the revenues of the State shall be shown separately in the annual financial statement of the State to be laid before the Legislature of the State under article 177 of this Constitution.

9. Application of Part II to areas other than Scheduled areas. (1) The Governor may, at any time by public notification, direct that all or any of the provisions of this Part shall on and from such date as may be specified in the notification apply in relation to any area in the State inhabited by members of any scheduled tribe other than a scheduled area as they apply in relation to a scheduled area in the State, and the publication of such notification shall be conclusive evidence that such provisions have been duly applied in relation to such other area.

(2) The Governor may by a like notification direct that all or any of the provisions of this Part shall on and from such date as may be specified in the notification cease to apply in relation to any area in the State in respect of which a notification may have been issued under sub-paragraph (1) of this paragraph.

### **Part III**

#### **PROVISIONS AS TO THE STATE of THE UNITED PROVINCES**

10. Application of Part III.—The provisions of this Part shall apply only to the State of the United Provinces.

11. Scheduled Areas Advisory Committee.—(1) As soon as may be after the commencement of this Constitution the Governor shall by order appoint for the State a Scheduled Areas Advisory Committee, two-thirds of the members of which shall be the members of the Scheduled tribes. Such order may define the composition, powers and procedure of the Committee and may contain such incidental or ancillary provisions as the Governor may consider necessary or desirable.

(2) It shall be the duty of the Scheduled Areas Advisory Committee

generally to advise the Government of the State on all matters pertaining to the development of scheduled areas in the State.

12. Power of Governor to make regulations in certain cases.----- (1) The Governor may make regulations for any scheduled area in the State with respect to the trial of cases relating to offences other than those which are punishable with death, transportation for life or imprisonment for five years or upwards or for the trial of such classes of suits or cases of small pecuniary value as may be specified in such regulations, and may also by such regulations empower the headmen or panchayats in any such area to try such cases or suits.

(2) The Governor may also make regulations so as to prohibit the transfer of any land in a scheduled area in the State by a member of the scheduled tribes to any person who is not a member of the scheduled tribes.

(3) Any regulations made under this paragraph when promulgated by the Governor shall have the same force and effect as any Act of the appropriate Legislature which applies to such area and has been enacted by virtue of the powers conferred on that Legislature by this Constitution.

13. Estimated receipts and expenditure pertaining to scheduled areas to be shown separately in the Annual Financial Statement.—The estimated receipts and expenditure pertaining to the scheduled areas in the State which are to be credited to, or is to be met from, the revenues of the State shall be shown separately in the Annual Financial Statement of the State to be laid before the Legislature of the State under Article 177 of this Constitution.

## **Part IV**

### **PROVISIONS AS TO THE STATE of EAST PUNJAB**

14. Application of Part IV.—The provisions of this Part shall apply only to the State of East Punjab.

15. Appointment of Scheduled Areas Advisory Committee.— (1) As soon as may be after the commencement of this Constitution the Governor shall by order appoint for the State a Scheduled Areas Advisory Committee, two-thirds of the members of which shall be the residents of the scheduled areas in the State. Such order may define the composition, powers and procedure of the Committee and may contain such incidental or ancillary provisions as the Governor may consider necessary or desirable.

(2) It shall be the duty of the Scheduled Areas Advisory Committee generally to advise the Government of the State on all matters pertaining to the administration of the scheduled areas in the State.

16. Application of Acts of Parliament or of the Legislature of the State to scheduled areas.—The Governor may by public notification direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a scheduled area or any part thereof in the State or shall apply to a scheduled area or any part thereof in the State subject to such exceptions and modifications as he may specify in the notification.

17. Power of Governor to make regulations.—(1) The Governor may make regulations for any scheduled area in the State with respect to the trial of cases relating to offences other than those which are punishable with death, transportation for life or imprisonment for five years or upwards, or for the trial of such classes of suits or cases of small pecuniary value as may be specified in such regulations, and may also by such regulations empower the headmen or panchayats in, any such area to try such cases or suits.

(2) The Governor may also make regulations so as to prohibit the transfer of any land in a scheduled area in the State by a member of the scheduled tribes to any person who is "not a member of the scheduled tribes.

(3) Any regulations made under this paragraph when promulgated by the Governor shall have the same force and *effect* as any Act of the appropriate Legislature which applies to such area and has been enacted by virtue of the powers conferred on that Legislature by this Constitution.

## **Part V**

### **SCHEDULED AREAS**

18. Scheduled areas.—(1) The areas specified in Parts I to VII of the Table below shall be the scheduled areas within the meaning of this Constitution, and any reference in the said Table to any division, district, administrative area, tahsil or estate shall be construed as a reference to that division, district, area, tahsil or estate as existing on the date of commencement of this Constitution.

(2) The President may at any time by Order—

(a) direct that the whole or any specified part of a scheduled area shall cease to be a scheduled area or a part of such an area;

(b) alter, but only by way of rectification of boundaries, any

scheduled area;

(c) on any alteration of the boundaries of a State for the time being specified in Part I of the First Schedule or on the inclusion in Part I of that Schedule of a new State admitted into the Union or established by Parliament by law, declare any territory not previously included in any State so specified to be, or to form part of, a scheduled area, and any such Order may contain such incidental and consequential provisions as appear to the President to be necessary and proper,

## **TABLE I—MADRAS**

The Laccadive Islands (including Minicoy) and the Amin-divi Islands.

The East Godavari Agency and so much of the Vizagapatam Agency as is not transferred to Orissa under the provisions of the Government of India (Constitution of Orissa) Order, 1936.

## **II—BOMBAY**

In the West Khandesh District:—The Navapur Petha, the Akrani Mahal and the villages belonging to the following Mehwassi Chiefs: (1) the Parvi of Kathi, (2) the Parvi of Nal, (3) the Parvi of Singpur, (4) the Waliwi of Gaohali, (5) the Wassawa of Chikhli, and (6) the Parvi of Navalpur.

In the East Khandesh District :-- The Satpura Hills reserved forest areas.

In the Nasik District:---The Kalvan Taluk and Peint Petha.

In the Thana District:---The Dahanu and Shahapur Talukas and Mokhada and Umbergaou Pethas.

## **III.--THE UNITED PROVINCES**

The Jaunsar-Bawar Pargana of the Dehra Dun District. The portion of the Mirsapur District south of the Kaimur range.

## **IV.-"EAST PUNJAB**

Spiti and Lahaul in the Kangra District.

## **V.—BIHAR**

The Ranchi and Singhbhum Districts, and the Latehar sub-division of the

Palamau District- of the Chofa Nagpur Division.

The Santal Parganas District excluding the Godda and Deogarh Sub-divisions.

## **VI.—THE CENTRAL PROVINCES AND BERAR**

In the Chanda district, the Ahiri Zamindari in the Sironcha Tahsil and the Dhanora, Dudmala, Gewardha, Jharapapra Khutgaon, Kofgal, Muramgaon, Palasgarh, Rangi, Sirsundi Sonsari, Chandala, Gilgaon, Pai-Muranda and Pofegaon Zamindaris in the Garehirofi Tahsil.

The Harrai, Gorakghat, Gorpani, Batkagarh, Bardagarh Partabgarh (Pagara), Almod and Sonpur Jagirs of the Chhindwara District, and the portion of the Pachmarhi jagir in the Chhindwara District.

The Mandla District.

The Pendra, Kenda, Matin, Lapha, Uprora, Chhuri and Korba Zamindaris of the Bilaspur District,

The Aundhi, Koracha, Panabaras and Ambagarh Chauki Zamindaris of the Drug District.

The Baihar Tahsil of the Balaghat District. The Melghat Taluk of the Arnraofi District. The Bhainsdehi Tahsil of the Betui District,

## **VII.—ORISSA**

The Ganjam Agency Tracts including Khondmals. The Koraput District.

## **SIXTH SCHEDULE**

**[Articles 189 (b) and 190 (2)]**

### **PROVISIONS AS TO THE ADMINISTRATION of THE TRIBAL AREAS IN ASSAM**

1. Autonomous districts and autonomous regions.—(1) The tribal areas in each item of Part I of the Table appended to paragraph 19 of this Schedule for the time being included in that Part shall be an autonomous district.

(2) If there are different scheduled tribes in an autonomous district, the Governor may, by public notification, divide the area or areas inhabited by them into autonomous regions.

(3) The Governor may, by public notification—

(a) include any area in Part I of the said Table,



(b) create a new autonomous district,  
(c) increase the area of any autonomous district,  
(d) exclude any area from Part I of the said Table, (e) diminish the area of any autonomous district:

Provided that no order shall be made by the Governor under clause (b) or clause (c) of this sub-paragraph except after consideration of the report of a Commission appointed under sub-paragraph (1) of paragraph 14 of this Schedule:

Provided further that no order shall be made by the ; Governor under clause (d) or clause (e) of this sub-paragraph unless a resolution to that effect is passed by the District Council of the autonomous district concerned.

2. Constitution of District Councils and Regional Councils.—(1) There shall be a District Council for each autonomous district consisting of not less than twenty and not more than forty members of whom not less than three-fourths shall be elected on the basis of adult suffrage.

(2) The territorial constituencies for elections to each District Council shall be so delimited that as far as possible the areas inhabited by the different scheduled tribes of the district and the areas, if any, inhabited by other persons shall form separate constituencies:

Provided that no constituency shall be formed which has a Total population of less than five hundred.

(3). There shall be a separate regional Council for each area constituted an autonomous region under sub-paragraph (2) of paragraph I of this Schedule.

(4) Each District Council and each Regional Council shall be a body corporate by the name respectively of "the District Council of (name of District)" and "the Regional Council of (name of Region)", shall have perpetual succession and a common seal and shall by the said name sue and be sued.

(5) Subject to the provisions of this Schedule the administration of an autonomous district shall, in so far as it is not vested under this Schedule in any Regional Council within such district, be vested in the District Council for such district and the administration of an autonomous Region shall be vested in the Regional Council for such region,

(6) In an autonomous district with Regional Councils, the District Council shall

have only such powers with respect to the areas under the authority of the Regional Council as may be delegated to it by the Regional Council in addition to the powers conferred on it by this Schedule with respect to such areas.

(7) The Governor shall make rules for the first constitution of District

Councils and Regional Councils in consultation with the existing tribal Councils or other representative tribal organisations within the autonomous districts or regions concerned and such rules shall provide for—

(a) the composition of the District Councils and Regional Councils and the allocation of seats therein;

(b) the delimitation of territorial constituencies for the purpose of elections to those Councils;

(c) the qualifications for voting at such elections and the preparation of electoral rolls;

(d) the qualifications for being elected at such elections as members of such Councils;

(e) any other matter relating to or connected with elections or nominations to such Councils;

(f) the procedure and the conduct of business in the District and Regional Councils;

(g) the appointment of officers and staff of the District and Regional Councils.

(8) The District or the Regional Council may after its first constitution make rules with regard to the matters specified in sub-paragraph (7) of this paragraph and may also make rules regulating—

(a) the formation of subordinate Total Councils or Boards and their procedure and the conduct of their business: and

(b) generally all matters relating to the transaction of business pertaining to the administration of the district or region, as the case may be:

Provided that until rules are made by the District or the Regional Council under this sub-paragraph the rules made by the Governor under sub-paragraph (7) of this paragraph shall have effect in respect of elections to, the officers and staff of, and the procedure and the conduct of business in, each such Council:

Provided further that the Deputy Commissioner or the SubDivisional Officer, as the case may be, of the Mikir and North Cachar Hills shall be the Chairman ex-officer of the District Council in respect of the territories included in items 5 and 6 respectively of Part I of the Table appended to paragraph 19 of this Schedule and shall have power for a period of six years after the first constitution of the District Council, subject to the control of the Governor, to annul or modify any resolution or decision of the District Council or to issue such instructions to the District Council, as he may consider appropriate, and the District Council shall comply with every such instruction issued.

### 3. Powers of the District Councils and Regional Councils to make laws.—(1)

The Regional Council for an autonomous region in respect of all areas within such region and the District Council for an autonomous district in respect of all areas within the district except those which are under the authority of Regional Councils, if any, within the district shall have power to make laws with respect to—

(a) the allotment, occupation or use, or the setting apart of land other than any land which is a reserved forest for the purposes of agriculture or grazing or for residential or other non-agricultural purposes or for any other purpose likely to promote the interests of the inhabitants of any village or town:

Provided that nothing in such laws shall prevent the compulsory acquisition of any land whether occupied or unoccupied for public purposes by the State of Assam in accordance with the law for the time being in force authorising such acquisition;

(b) the management of any forest not being a reserved forest;

(c) the use of any canal or water-course for the purpose of agriculture;

(d) the regulation of the practice of jhum or other forms of shifting cultivation;

(e) the establishment of village or town committees or councils and their powers;

(f) any other matter relating to village or town administration including village or town police and public health and sanitation;

(g) the appointment or succession of Chiefs or Headmen; (h) the inheritance of property;

(i) marriage;

(j) social customs.

(2) In this paragraph, a "reserved forest" means any area which is a reserved forest under the Assam Forest Regulation, 1899, or under any other law for the time being in force in the area in question.

#### 4. Administration of justice in autonomous districts and autonomous regions.—

(1) The Regional Council for an autonomous region in respect of areas within such region and the District Council for an autonomous district in respect of areas within the district other than those which are under the authority of the Regional Councils, if any, within the district may constitute village Councils or courts for the trial of suits and cases other than those to which the provisions of sub-paragraph (1) of paragraph 5 of this Schedule apply or those arising out of any law made under paragraph

3 of this Schedule, to the exclusion of any court in the State, and may appoint suitable persons to be members of such village Councils or presiding officers of such courts, and may also appoint such officers as may be necessary for the administration of the laws made under paragraph 3 of this Schedule.

(2) Notwithstanding anything in this Constitution the Regional Council for an autonomous region or any court constituted in this behalf by the Regional Council or, if in respect of any area within an autonomous district there is no Regional Council, the District Council for such district, or any court constituted in this behalf by the District Council, shall exercise the powers of a Court of Appeal in respect of all suits and cases between the parties all of whom belong to scheduled tribes within such region or area, as the case may be, other than those to which the provisions of sub-paragraph (1) of paragraph 5 of this Schedule apply, and no other Court in the State shall have appellate jurisdiction over such suits or cases and the decision of such Regional or District Council or Court shall be final.

5. Conferment of powers under the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1898 on the Regional and District Councils and on certain courts and officers for the trial of certain suits and offences.—(1) The Governor may, for the trial of suits or cases arising out of any law in force in any autonomous district or region being a law specified in this behalf by the Governor, or for the trial of offences punishable with death, transportation for life, or imprisonment for a term of not less than five years under the Indian Penal Code or under any other law for the time being applicable to such region or district, confer on the District Council or the Regional Council having authority over such district or region or on courts constituted by such District Council or on any officer appointed in this behalf by the Governor, such powers under the Code of Civil Procedure, 1908 or, as the case may be, the Code of Criminal Procedure, 1898, as he deems appropriate, and thereupon the said Council, court or officer shall try the suits, cases or offences in exercise of the powers so conferred.

(2) The Governor may withdraw or modify any of the powers conferred on a District Council, Regional Council, court or officer under sub-paragraph (1) of this paragraph.

(3) Save as expressly provided in this paragraph the Code of Civil Procedure, 1908 and the Code of Criminal Procedure 1898, shall not apply to the trial of any suits, cases or offences in an autonomous district or in any autonomous region.

6. Powers of the District Council to establish primary 30 schools, etc.—The District Council for an autonomous district may establish, construct, or

manage primary schools, dispensaries, markets, cattle pounds, ferries, fisheries, roads and waterways in the district and in particular may prescribe the language and the manner in which primary education shall be imparted in the primary schools in the district.

7. District and Regional Funds.—(1) There shall be constituted for each autonomous district, a District Fund and for each autonomous region, a Regional Fund to which shall be credited all moneys received respectively by the District Council for that district and the Regional Council for that region in the course of the administration of such district or region, as the case may be, in accordance with the provisions of this Constitution.

(2) Subject to the approval of the Governor rules may be made by the District Council and by the Regional Council for the management of the District Fund or, as the case may be, the Regional Fund, and the rules so made may prescribe the procedure to be followed in respect of payment of money into the said Fund, the withdrawal of moneys therefrom, the custody of moneys therein and any other matter connected with or ancillary to the matters aforesaid.

8. Powers to assess and collect land revenue and to impose taxes'—(1) The Regional Council for an autonomous region in respect of all lands within such region and the District Council for an autonomous district in respect of all lands within the district except those which are in the areas under the authority of Regional Councils, if any, within the district, shall have the power to assess and collect revenue in respect of such lands in accordance with the principles for the time being followed by the Government of Assam in assessing lands for the purpose of land revenue in the State of Assam generally.

(2) The Regional Council for an autonomous region in respect of areas within such region and the District Council for an autonomous district in respect of all areas in the district except those which are under the authority of Regional Councils, if any, within the district, shall have power to levy and collect taxes on land and buildings, and tolls on persons resident within such areas.

(3) The District Council for an autonomous district shall have the power to levy and collect all or any of the following ; taxes within such district, that is to say—

- (a) tax on professions, trades, callings and employments;
- (b) a tax on animals, vehicles and boats;
- (c) taxes on the entry of goods into a market for sale therein, and tolls on passengers and goods carried in ferries; and
- (d) taxes for the maintenance of schools, dispensaries or roads.

(4) A Regional Council or District Council, as the case may be, may make regulations to provide for the levy and collection of any of the taxes specified in sub-paragraphs (2) and (3) of this paragraph.

9. Licences or leases for the purpose of prospecting for, or extraction of, minerals.—(1) No licence or lease shall be granted by the Government of Assam for the purpose of prospecting for, or the extraction of minerals in any area comprised with in an autonomous district, save in consultation with the District Council for that district.

(2) Such share of the royalties accruing each year from licences or leases for the purpose of prospecting for, or the extraction of, minerals granted by the Government of Assam in respect of any area within an autonomous district as may be agreed upon between the Government of Assam and. the District Council of such district shall be made over to that District Council.

(3) If any dispute arises as to the share of such royalties to be made over to a District Council, it shall be referred to the Governor for determination and the amount determined by the Governor in his discretion shall be deemed to be the amount payable under sub-paragraph (2) of this paragraph to the District Council and the decision of the Governor shall be final.

10. Power of District Council to make regulations for the control of money-lending and trading by non-tribals.—(1) The District Council of an autonomous district may make regulations for the regulation and control of money-lending or trading within the district by persons other than scheduled tribes resident in the district.

(2) Such regulations may—

(a) prescribe that no one except the holder of a licence issued in that behalf shall carry on the business of money-lending;

(b) prescribe the maximum rate of interest which may be charged or be recovered by a money-lender;

(c) provide for the maintenance of accounts by moneylenders and for the inspection of such accounts by officers appointed in this behalf by the District Council;

(d) prescribe that no person who is not a member of the scheduled tribes resident in the district shall carry on wholesale or retail business in any commodity except under a licence issued in that behalf by the District Council:

Provided that no such regulations may be made under this paragraph unless they are passed by a majority of not less than three-fourths of the

Total membership of the District Council:

Provided further that it shall not be competent under any such regulations to refuse the grant of a licence to a moneylender or a trader who has been carrying on business within the district since before the time of the making of such regulations.

11. Publication of laws, rules and regulations made under the Schedule.—All laws, rules and regulations made under this Schedule by a District Council or a Regional Council shall be published forthwith in the Official Gazette of the State and shall on such publication have the force of law.

12. Application of Acts of Parliament and of the Legislature of the State to autonomous districts and autonomous regions—Notwithstanding anything contained in this Constitution—

(a) no Act of the Legislature of the State in respect of any of the matters specified in paragraph 3 of this Schedule as matters with respect to which a District Council or a Regional Council may make laws, and no Act of the Legislature of the State prohibiting or restricting the consumption of any non-distilled alcoholic liquor shall apply to any autonomous district or autonomous region unless in either case the District Council for such district or having jurisdiction over such region by public notification so directs, and the District Council in giving such direction with respect to any Act may direct that the Act shall in its application to such district or region or any part thereof have effect subject to such exceptions or modifications as it thinks fit;

(b) the Governor may, by public notification, direct that any Act of Parliament or of the Legislature of the State to which the provisions of clause (a) of this paragraph do not apply shall not apply to an autonomous district or an autonomous region, or shall apply to such district or region or any part thereof subject to such exceptions or modifications as he may with the approval of the District Council for such district or the Regional Council for such region specify in the notification, if a resolution recommending the issue of such direction is passed by such District Council or such Regional Council, as the case may be.

13. Estimated receipts and expenditure pertaining to autonomous districts to be shown separately in the annual financial statement.—The estimated receipts and expenditure pertaining to an autonomous district which are to be credited to, or is to be made from, the revenues of the State of Assam shall be shown separately in the annual financial statement of the State to be laid before the Legislature of the State under article 177 of this Constitution.

14. Appointment of Commission to inquire into and report on the administration of autonomous districts.—(1) The Governor of Assam may at any time appoint a Commission to examine and report on any matter specified by him relating to the administration of the autonomous districts in the State, or may appoint a Commission to inquire into and report from time to time on the administration of autonomous districts in the State generally and in particular on—

(a) the provision of educational and medical facilities and communications in such districts;

(b) the need for any new or special legislation in respect of such districts; and

(c) the administration of the laws, regulations and rules made by the District and Regional Councils; and define the procedure to be followed by such Commission.

(2) The report of every such Commission with the recommendations of the Governor with respect thereto shall be laid before the Legislature of the State by the minister concerned together with an explanatory memorandum regarding the action proposed to be taken thereon by the Government of Assam.

(3) In allocating the business of the Government of the State among his ministers the Governor of Assam may place one of his ministers specially in charge of the welfare of the autonomous districts in the State.

15. Annulment or suspension of acts and resolutions of the District or Regional Councils.—(1) If at any time the Governor is satisfied that an act or resolution of a Regional Council or a District Council is likely to endanger the safety of India, he may annul or suspend such act or resolution and take such steps as he may consider necessary (including the suspension of the Council and the assumption to himself of all or any of the powers vested in or exercisable by the Council) to prevent the commission or continuance of such act, or the giving of effect to such resolution.

(2) Any order made by the Governor under sub-paragraph (1) of this paragraph together with the reasons therefor shall be laid before the Legislature of the State as soon as possible and the order shall, unless revoked by the Legislature of the State, continue in force for a period of twelve months from the date on which it was so made:

Provided that if and so often as a resolution approving the continuance in



force of such order is passed by the Legislature of the State the order shall unless cancelled by the Governor continue in force for a further period of twelve months from the date on which under this paragraph it would otherwise have ceased to operate.

(3) The functions of the Governor under this paragraph shall be exercised by him in his discretion,

16. Dissolution of a District or Regional Council.—The Governor may on the recommendation of a Commission appointed under paragraph 14 of this Schedule by public notification order the dissolution of a Regional or a District Council and—

(a) direct that a fresh general election shall be held immediately for the reconstitution of the Council, or

(b) subject to the previous approval of the Legislature of the State assume the administration of the area under the authority of such Council himself or place the administration of such area under the Commission appointed under the said paragraph or any other body considered suitable by him for a period not exceeding twelve months:

Provided that when an order under clause (a) of this paragraph has been made the Governor may take the action referred to in clause (b) of this paragraph with regard to the administration of the area in question pending the re-constitution of the Council on fresh general election:

Provided further that no action shall be taken under clause (b) of this paragraph without giving the District or the Regional Council, as the case may be, an opportunity of being heard by the Legislature of the State.

17. Application of the provisions of this Schedule to areas specified in Part II of the table appended to paragraph 19.—

(1) The Governor of Assam may—

(a) subject to the previous approval of the President, by public notification, apply all or any of the foregoing provisions of this Schedule to any tribal area specified in Part II of the table appended to paragraph 19 of this Schedule or any portion of such area and thereupon such area or portion shall be administered in accordance with such provisions, and

(b) may also with like approval exclude any tribal area specified in Part II of the said table or any portion thereof from the said table,

(2) Until a notification is issued under sub-paragraph (1) of this paragraph in

respect of any tribal area specified in Part II of the said table or any portion of such area, the administration of such area or portion thereof, as the case may be, shall be carried on by the President through the Governor of Assam as his agent and the provisions of Part VIII of this Constitution shall apply thereto as if such area or portion thereof were a territory specified in Part IV of the First Schedule.

18. Transitional provisions.—As soon as possible after the commencement of this Constitution the Governor of Assam shall take steps for the constitution of a District Council for each autonomous district in the State under this Schedule and until a District Council is so constituted for an autonomous district the administration of such district shall be vested in the Governor in his discretion and the following provisions shall apply to the administration of the areas within such district instead of the provisions contained in this Schedule, namely:—

(a) no Act of Parliament or of the Legislature of the State shall apply to such area unless the Governor by public notification so directs; and the Governor in giving such a direction with respect to any Act may direct that the Act shall in its application to the area or to any specified part thereof, have effect subject to such exceptions or modifications as he thinks fit;

(b) the Governor may make regulations for the peace and good government of such area and any regulations so made may repeal or amend any Act of Parliament or of the Legislature of the State or any existing law which is for the time being applicable to such area. Regulations made under this clause shall be submitted forthwith to the President and until assented to by him shall have no effect;

(c) the Governor shall exercise his functions under clauses (a) and (b) of this paragraph in his discretion.

19. Tribal areas.—The areas specified in Parts I and II of the table below shall be the tribal areas within the State of Assam, and any reference in the said table to any district or administrative area shall be construed as a reference to that district or area as existing on the date of commencement of this Constitution:

## **TABLE**

### **Part I**

1. The Khasi and Jaintia Hills District excluding the town of Shillong.
2. The Garo Hills District.

3. The Lushai Hills District.
4. The Naga Hills District.
5. The North Cachar Sub division of Cachar District.
6. The Mikir Hills portion of Nowgong and Sibsagar Districts excepting the mouzas of Barpathar and Sarupathar.

## **Part II**

1. The Sadiya and Balipara Frontier Tracts.
2. The Tirap Frontier Tract (excluding the Lakhimpur Frontier Tract).
3. The Naga Tribal Area.

## **SEVENTH SCHEDULE.**

### **[Article 217.]**

#### **LIST I-Union List**

1. The defence of the territory of India and of every part thereof and generally all preparation for defence, as well as all such acts as may be conducive in times of war to its successful prosecution and after its termination to effective demobilisation.
2. Central Intelligence Bureau.
3. Preventive detention in the territory of India for reasons connected with defence, external affairs or the security of India.
4. The raising, training, maintenance and control of the Naval, Military and Air Forces of the Union and their employment; the strength, organisation and control of the armed forces raised and employed in States for the time being specified in Part III of the First Schedule.
5. Industries declared by Parliament by law to be necessary for the purpose of defence or for the prosecution of war.
6. Naval, Military and Air Force works.
7. Total self-government in cantonment areas, the constitution and powers within such areas of cantonment authorities, the regulation of house accommodation in such areas and the delimitation of such areas.
8. Arms, firearms, ammunition and explosives.
9. Atomic energy and mineral resources essential to its production.
10. Foreign Affairs; all matters which bring the Union into relation with any foreign country.
11. Diplomatic, consular and trade representation.

12. United Nations Organisation.
13. Participation in international conferences, associations and other bodies and implementing of decisions made thereat.
14. War and Peace.
15. The entering into and implementing of treaties and agreements with foreign countries.
16. Foreign jurisdiction.
17. Trade and Commerce with foreign countries.
18. Foreign loans.
19. Citizenship, naturalisation and aliens.
20. Extradition.
21. Passports and visas.
22. Piracies, felonies and offences against the law of nations committed on the high seas and in the air.
23. Admission into, and emigration and expulsion from the territory of India.
24. Pilgrimages to places beyond India.
25. Port quarantine; seamen's and marine hospitals, and hospitals connected with port quarantine.
26. Import and export across customs frontiers as defined by the Government of India.
27. Posts and telegraphs.
28. Telephones, wireless, broadcasting and other like forms of communication.
29. Post Office Savings Bank.
30. Airways; aircraft and air navigation; provision of aerodromes; regulation and organisation of air traffic and of aerodromes; provision for aeronautical education and training and regulation of such education and training provided by States and other agencies.
31. National highways declared to be such by Parliament by law.
32. Shipping and navigation on inland waterways, declared by "Parliament bylaw to be national waterways, as regards mechanically propelled vessels, and the rule of the road on such waterways; carriage of passengers and goods on such waterways.
33. Maritime shipping and navigation, including shipping and navigation on tidal waters; provision of education and training for the mercantile marine and regulation of such education and training provided by States and other agencies\*
34. Admiralty jurisdiction.
35. Ports declared to be major ports by or under law made by Parliament or existing law including their delimitation, and the constitution and powers of

port authorities therein.

36. Lighthouses, including lightships, beacons and other provision for the safety of shipping and aircraft.

37. Carriage of passengers and goods by air or by sea.

38. Union railways; the regulation of all railways other than minor railways in respect of the safety, maximum and minimum rates and fares, station and service terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.

39. The institutions known on the 15th day of August, 1947, as the Imperial Library, the Indian Museum, the Imperial War Museum, the Victoria Memorial and any other institution financed by the Government of India wholly or in part and declared by Parliament by law to be an institution of national importance.

40. The institutions known on the 15th day of August, 1947, as the Benares Hindu University and the Aligarh Muslim University.

41. The Survey of India, the Geological, Botanical and Zoological Surveys of India; Union Meteorological organisations.

42. Property of the Union and the revenue therefrom, but as regards property situated in a State subject always to legislation by the State, save in so far as Parliament by law otherwise provides.

43. Acquisition or requisitioning of property for the purposes of the Union subject to the provisions of List III with respect to regulation of the principles on which compensation is to be determined for property acquired or requisitioned for the purposes of the Union.

44. Reserve Bank of India.

45. Public debt of the Union.

46. Currency, foreign exchange, coinage and legal tender.

47. Banking.

48. Cheques, bills of exchange, promissory notes and 10 other like instruments.

49. Insurance.

50. Corporations, that is to say, the incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations but not including co-operative societies, and of corporations, whether trading or not, with objects not confined to one State, but not including universities.

51. Patents, copyright, inventions, designs, trademarks and merchandise marks.

52. Constitution, organisation, jurisdiction and powers of the Supreme

Court and fees taken.

53. Extension of the jurisdiction of a High Court having its principal seat in any State within the territory of India except the States for the time being specified in Part III of the First Schedule to, and exclusion of the jurisdiction of any such High Court from, any area outside that State.

54. Jurisdiction and powers of all courts, other than the Supreme Court, with respect to any of the matters in this List.

55. Census.

56. Inquiries, surveys, and statistics for the purposes of the Union.

57. Union agencies and institutes for the following purposes, that is to say, for research, for professional or technical training, or for the promotion of special studies.

58. Union Public Services and Union Public Service Commission.

59. Industrial disputes concerning Union employees.

60. Ancient and Historical Monuments declared by Parliament by law to be of national pretence; are haeological sites and remains.—

61. Establishment of standards of weight and measure.

62. Opium, so far as regards cultivation and manufacture, or sale for export.

63. Petroleum and other liquids and substances declared by Parliament by law to be dangerously inflammable, so far as regards possession, storage and transport.

64. Development of industries where development under the central of the Union is declared by Parliament by law to be expedient in the public interest.

65. Regulation of labour and safety in mines and oilfields.

66. Regulation of mines and oilfields and mineral development to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest,

67. Extension of the powers and jurisdiction of members of a police force belonging to any part of a State for the time being specified in Part I or Part II of the First Schedule to any area in any other State so specified, but not so as to enable the police of one part to exercise powers and jurisdiction elsewhere without the consent of the government of the State; extension of the powers and jurisdiction of members of a force belonging to any State to railway areas outside that State.

68. Elections to Parliament and of the President and Deputy President; and Election Commission to superintend, direct and control such elections.

69. The emoluments and allowances and rights in respect of leave of absence of the President, the salaries and allowances of the Ministers for the Union and of the Chairman and Deputy Chairman of the Council of States and of the Speaker and Deputy Speaker of the House of the People; the

salaries, allowances and privileges of the members of Parliament', the salary, allowances and the conditions of service of the Auditor-General of India.

70. The enforcement of attendance of persons for giving evidence or producing documents before committees of Parliament\*

71. Migration from one State to another.

72. Inter-State quarantine.

73. Inter-State trade and commerce subject to the provision of entry 33 of List II.

74. The development of inter-State waterways for purposes of flood control, irrigation, navigation and hydro-electric power.

75. Fishing and fisheries beyond territorial waters.

76. Manufacture and distribution of salt by Union agencies; regulation and control of manufacture and distribution of salt by other agencies.

77. Provision for dealing with grave emergencies in any part of the territory of India affecting the Union.

78. Totters organised by the Government of India or the Government of any State.

79. Stock Exchanges and futures market and taxes other than stamp duties on transactions therein.

80. The rates of stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of shares, debentures, proxies and receipts.

81. Duties in respect of succession to property other than agricultural land.

82. Estate duty in respect of property other than agricultural land.

83. Terminal taxes on goods or passengers, carried by railway or air; taxes on railway fares and freights.

84. Taxes on income other than agricultural income.

85. Duties of customs including export duties.

86. Duties of excise on tobacco and other goods manufactured or produced in India except—

(a) alcoholic liquors for human consumption;

(b) opium, Indian hemp and other narcotic drugs and narcotics; non-narcotic drugs; but including medicinal and toilet preparations containing alcohol, or any substance included in sub-paragraph (b) of this entry.

87. Corporation tax.

88. Taxes on the capital value of the assets, exclusive of agricultural land, of individuals and companies; taxes on the capital of companies.

89. offences against laws with respect to any of the matters in this List.

90. 'Fees in respect of any of the matters in this List, but not including fees taken in any court.

91. Any other matter not enumerated in List II or List III including any tax not mentioned in either of those Lists.

### **List II -State List**

1. Public order (but not including the use of naval, go military or air forces in aid of the civil power); preventive detention for reasons connected with the maintenance of public order; persons subjected to such detention.

2. The administration of justice; constitution and organisation of all courts, except the Supreme Court, and fees taken therein.

3. Jurisdiction and powers of all courts except the Supreme Court, with respect to any of the matters in this List; procedure in Rent and Revenue Courts.

4. Police, including railway and village police.

5. Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with other States for the use of prisons and other institutions.

6. Public debt of the State.

7. State Public Services and State Public Service Commissions.

8. Works, lands and buildings vested in or in the possession of the State.

9, Compulsory acquisition of land except for the purposes of the Union subject to the provisions of List III with respect to regulation of the principles on which compensation is to be determined for property acquired or requisitioned for the purposes of a State.

10. Libraries, museums and other similar institutions controlled or financed by the State.

11. Elections to the Legislature of the State and of the Governor of the State/for the constitution of a panel for the propose of the appointment of a Governor for the State; and Election Commission to superintend, direct and control such elections.

12. The emoluments and allowances and rights with respect to leave of absence of the Governor of the State, salaries and allowances of the Ministers for the State, of the Speaker and Deputy Speaker of the Legislative Assembly, and if there is a Legislative Council, of the Chairman and Deputy Chairman thereof; the salaries, allowances and privileges of the members of the Legislature of the State.

13. The enforcement of attendance of persons for giving evidence or producing documents before Committees of the Legislature of the State.

14. Total Government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement



authorities and other Total authorities for the purpose of Total self-government or village administration.

15. Public health and sanitation; hospitals and dispensaries; registration of births and deaths.

16. Pilgrimages, other than pilgrimages to places beyond India.

17. Burials and burial grounds; cremations and cremation grounds.

18. education including Universities other than those specified in entry 40 of List 1.

19. Communications, that is to say, roads, bridges, ferries, and other means of communication not specified in List 1; minor railways subject to the provisions of List I with respect to such railways; municipal tramways; ropeways; inland waterways and traffic thereon subject to the provisions: of List I and List III with regard to such waterways; ports, subject to the provisions in List I with regard to major ports; vehicles other than mechanically propelled vehicles.

20. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 74 of List 1.

21. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases.

22. Improvement of stock and prevention of animal diseases; veterinary training and practice.

23. Pounds and the prevention of cattle trespass.

24. Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans; colonisation.

25. Courts of Wards, encumbered and attached estates.

26. Treasure trove.

27. Forests.

28. Regulation of mines and oilfields and mineral development subject to the provisions of List I with respect to regulation and development under the control of the Union.

29. Fisheries.

30. Protection of wild birds and wild animals.

31. Gas and gasworks.

32. Trade and commerce within the State; markets and fairs.

33. Regulation of trade, commerce and intercourse with other States for the purposes of the provisions of article 244 of this Constitution.

34. Money lending and money lenders; relief of agricultural indebtedness.

35. Inns and inn-keepers.
36. Production, supply and distribution of goods.
37. Development of industries, subject to the provisions in List I with respect to the development of certain industries under the control of the Union.
38. Adulteration of foodstuffs and other goods.
39. Weights and measures except establishment of standards.
40. Intoxicating liquors and narcotic drugs, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors, opium and other narcotic drugs, but subject, as respects opium, to the provisions of List I and, as respects poisons and dangerous drugs, to the provisions of List III.
41. Relief of the poor; unemployment.
42. The incorporation, regulation, and winding up of corporations not being corporations specified in List I, or Universities; unincorporated trading, literary, scientific, religious and other societies and associations; co-operative societies.
43. Charities and charitable institutions, charitable and religious endowments and religious institutions.
44. Theatres, dramatic performances and cinemas, but not including the sanction of cinematography films for exhibition.
45. Betting and gambling.
46. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenues.
47. The rates of stamp duty in respect of documents other than those specified in the provisions of List I with regard to rates of stamp duty.
48. Duties in respect of succession to agricultural land.
49. Estate duty in respect of agricultural land.
50. Taxes on passengers and goods carried on inland waterways.
51. Taxes on agricultural income.
52. Duties of excise on the following goods manufactured or produced in the State and countervailing duties at the same or tower rates on similar goods manufactured or produced elsewhere in the territory of India:—
  - (a) alcoholic liquors for human consumption;
  - (b) opium, Indian hemp and other narcotic drugs and narcotics, non-narcotic drugs;  
but not including medical and toilet preparations containing alcohol or any substance included in sub-paragraph (b) of this entry.
53. Taxes on lands and buildings.
54. Taxes on mineral rights, subject to any limitations imposed by

Parliament by law relating to mineral development.

55. Capitalisation taxes.

56. Taxes on professions, trades, callings and employments.

57. Taxes on animals and boats.

58. Taxes on the sale, turnover or purchase of goods including taxes in lieu thereof on the use or consumption within the State of goods liable to taxes within the State on sale, turnover or purchase; taxes on advertisements.

59. Taxes on vehicles suitable for use on roads, whether mechanically propelled or not, including tramcars.

60. Taxes on the consumption or sale of electricity.

61. Taxes on the entry of goods into a Total area for consumption, use or sale therein.

62. Taxes on luxuries, including taxes on entertainment, amusements, betting and gambling.

63. Tolls.

64. Inquiries and statistics for the purpose of any of the matters in this List.

65. offences against laws with respect to any of the matters in this List.

66. Fees in respect of any of the matters in this List, but not including fees taken in any court.

### **List III—Concurrent List**

1. Criminal Law, including all matters included in the Indian Penal Code at the date of commencement of this Constitution, but excluding offences against laws with respect to any of the matters specified in List I or List II and excluding the use of the naval, military and air forces in aid of the civil power.

2. Criminal Procedure, including all matters included in the Code of Criminal Procedure at the date of commencement of this Constitution.

3. Removal of prisoners and accused persons from one State to another State.

4. Civil Procedure, including the law of Limitation and all matters included in the Code of Civil Procedure at the date of commencement of this Constitution; the recovery in a State for the time being specified in part I or Part II of the First Schedule of claims in respect of taxes and other public demands including arrears of land revenue and sums recoverable as such, arising outside that State.

5. Evidence and oaths; recognition of laws, public acts and records and judicial proceedings.

6. Marriage and divorce; infants and minors; adoption.

7. Wills, intestacy and succession; joint family and partition; all matters in

respect of which parties in judicial proceedings were immediately before the commencement of this Constitution subject to their personal law.

8. Transfer of property other than agricultural land; registration of deeds and documents.

9. Trusts and Trustees.

10. Contracts, including partnership, agency, contracts of carriage, and other special forms of contracts, but not including contracts relating to agricultural land.

11. Arbitration.

12. Bankruptcy and insolvency.

13. Administrators-general and official trustees.

14. Stamp duties other than duties or fees collected by means of judicial stamps, but not including rates of stamp duty.

15. Actionable wrongs, save in so far as included in laws with respect to any of the matters specified in List II.

16. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List.

17. Legal, medical and other professions,

18. Newspapers, books and printing presses.

19. Lunacy and mental deficiency, including places for the reception or treatment of lunatics and mental deficient.

20. Poisons and dangerous drugs.

21. Mechanically propelled vehicles.

22. Boilers.

23. Prevention of cruelty to animals.

24. Vagrancy; nomadic and migratory tribes.

25. Factories.

26. Welfare of labour; conditions of labour; provident funds; employers' liability and workmen's compensation; health insurance, including invalidity pensions; old age pensions.

27. Unemployment and social insurance.

28. Trade Union; industrial and labour disputes.

29. The prevention of the extension from one State to another of infectious or contagious diseases or pests affecting men, animals or plants.

30. Electricity.

31. Shipping and navigation on inland waterways as regards mechanically propelled vessels, and the rule of the road on such waterways, and the carriage of passengers and goods on inland waterways subject to the provisions of List I with respect to National waterways.

32. The sanctioning of cinematography films for exhibition.

33. Persons subjected to preventive detention under the authority of the Union.

34. Economic and social planning.

35. The principles on which compensation is to be determined for property acquired or requisitioned for the purposes of the Union or a State.

36. Inquiries and statistics for the purpose of any of the matters in this List.

37. Fees in respect of any of the matters in this List, but not including fees taken in any court.

**EIGHTH SCHEDULE**  
**[Article 303 (1) (x)]**  
**SCHEDULED TRIBES**

**Part I**

**MADRAS**

1. Bagata	
2. Bhoftadas	Bodo Bhoftada, Muria Bhoftada and Sano Bhoftada.
3. Bhumias	Bhari Bhumia and Bodo Bhumia
4. Bissoy	Barangi Jodia, Bennangi Daduva, Frangi, Hoflar, Jhoriya, Koflai, Konde, Paranga, Penga Jodia, Sodo Jodia and Takora.
5. Dhakkada.	
6. Dombs	Andhiya Dombs, Andmiya Dombs, Chonel Dombs, Christian Dombs, Mirgani Dombs, Oriya Dombs, Ponaka Dombs, Telega and Ummia.
7. Gadabas	Boda Gadaba, Cerllam Gadaba Franji Gadaba, Jodia Gadaba, Ofaro Gadaba, Pangi Gadaba and Paranga Gadaba.
8. Ghasis	Boda Ghasis and San Gbasis.
9. Gondi	Modya Gond and Rajo Gond.
10. Goudus	Bato, Bhirithya, Dudhokouria, Hato, Jatako and Joria.
11. Kosalya Goudus	Bosofhoriya Goudus, Chitti Goudus, Dangayath Goudus, Doddu Kamariya, Dudu Kamaro, Ladiya Goudus and Pultosoriya Goudus
12. Magatha Goudus	Bernia Goudu, Boodo Magatha, Dongayath Goudu, Ladya Goudu, Ponna Magatha and Sana Magatha.
13. Seerithi	

Goudus	
14. Hofva	
15. Jadapus	
16. Jatapus	
17. Kammaras	
18. Khattis-Khatti, Kommaro and Tohaia	
19. Koda	
20. Kommar	
21. Konda Dhoras	
22. Konda Kapus	
23. Kondareddis	
24. Kondhs	Desaya Kondhs, Dongria Kondhs, Kattiya Kondhs, Tikiria Kondhs and Yenity Kondhs
25. Kofia	Bartika, Bonttio Oriya, Dhulia or Dulia, Hofva Paiko, Putiya, Sanronaand SidhoPaiko
26. Koya or Goud Raja of Rasha Koyas, Lingadnari with its subsects	Koyas, (ordinary) and Koftu Koyas
27. Madigas	
28. Malas or Agency Malas or Valmikies	
29. Malis	Korchia Malis, Paiko Malis and Pedda Malis
30. Maune	
31. Manna Dhora	
32. Mukha Dhora	Nooka Dhora
33. Muli or Muliya.	
34. Muria	
35. Ojulus or Metta Komsalies	
36. Omanaito	
37. Paigarapu	
38. Palasi	
39. Palli	

40. Pentias	
41. Porjas	Bodo, Bonda, Daruva, Didua, Jodia, Mundili Pengu, Pydi and Saliya
42. Reddi Dhoras	
43. Relli or Sachandi	
44. Ronas	
45. Savaras	Kapu Savaras, Khatto Savaras and Maliya Savaras
46. The residents of the Laccadive, Minicoy and Amin-divi Islands.	

**Part II  
BOMBAY**

- 1, Barda.
2. Bavacha.
3. Bhil.
- 4, Chodhra
5. Dhanka
6. Dhodia.
7. Dubla.
8. Gamit, or Gamta.
9. Gond.
10. Kathodi, or katkari
11. Konkna.
12. Kofi Mahadeb.
13. Mavchi.
14. Naikda, or Nayak.
15. Pardhi, including Advichincher or Phanse Pardhi.
16. Patelia.
17. Pomla.
18. Powara.
19. Bathawa.
20. Tadv Bhm.
21. Thakur.
22. Valvai.
23. Varii.

24. Vasava.

### **Part III**

#### **WEST BENGAL**

1. Bofia.
2. Chakma.
3. Kuki.
4. Lepcha.
5. Munda.
6. Magh.
7. Mro.
8. Oraon.
9. Santal.
10. Tippera.
11. Any other tribe notified by the Government of West Bengal.

### **Part IV**

#### **THE UNITED PROVINCES**

1. Bhuinya.
2. Baiswar.
3. Baiga.
4. Gond.
5. Kharwar.
6. Kof.
7. Ojha.
8. Any other tribe notified by the Government of the United Provinces.

### **Part V**

#### **EAST PUNJAB**

**The Tibetans in Spiti and Lahaul in the Kangra District.**

### **Part VI**

#### **BIHAR**



1. A resident of the State of Bihar belonging to any of the following tribes:—

1. Asur.
2. Banjara.
3. Bathudi.
4. Bentkar.
5. Binihia.
6. Birhor.
7. Birjia.
8. Chero.
9. Ghik Baraite.
10. Gadaba.
11. Ghatwar.
12. Gond.
13. Gorait.
14. Ho.
15. Juang.
16. Karmali.
17. Kharia.
18. Kharwar.
19. Khetauri.
20. Kliond.
21. Kisan.
22. Kofi.
23. Kora.
24. Korwa.
25. Mahli.
26. MalPaharia.
27. Munda.
28. Oraou.
29. Parhiya.
30. Santal.
31. Sauria Paharia.
32. Savar.
33. Tharu.

II. A resident in any of the following districts or police stations, that is to say, the districts of Ranchi, Singhbhum, Hazaribagh and the Santal Parganas, and the police stations of Arsha, Balarampur, Jhalda, Jaipur Baghmundi, Chandil, Ichagiarh, Barahabhum, Patarnda Banduan and Manbazar in the district of

Manbhum, belonging to any of the following tribes:—

1. Bauri.
2. Bhogta.
3. Bhuiya.
4. Bhumij,
5. Ghasi.
6. Pan.
7. Rajwar.
8. Turi.

III. A resident in the Dhanbad sub-division or in any of the following police stations in the Manbhum District, that is to say, Purulia, Hura, Pancha, Raghunathpur, Santuri, Nituria, Para, Chas, Chandankiari and Kashipur, belonging to the Bhumij tribe.

## **Part VII**

### **THE CENTRAL PROVINCES**

1. Gond.
2. Kavar,
3. Maria.
4. Muria.
5. Halba.
6. Pardhan.
7. Oraon.
8. Binjhar.
9. Andh.
10. Bharia-Bhumia.
11. Kofi.
12. Bhattra.
13. Baiga.
14. Kofam.
15. Bhil.
16. Bhuinhar.
17. Dhanwar.
18. Bhaina.
19. Parja.
20. Kamar.
21. Bhunjia.

22. Nagarehi.
23. Ojha.
24. Korku.
25. Kof.
26. Nagasia.
27. Sawara.
28. Korwa.
29. Majhwar.
30. Kharia.
31. Saullta.
32. Kondh.
33. Nihal.
34. Birhul (or Birhor).
35. Rautia.
36. Pando.

## **Part VIII**

### **ASSAM.**

The following tribes and communities:—

1. Kachari.
2. Boro or Boro-Kachari.
3. Rabha.
4. Miri.
5. Lalung.
6. Mikir.
7. Garo.
8. Hajonfi.
9. Deori.
10. Abor.
11. Mishmi.
12. Dafla.
13. Singpho.
14. Khampti.
15. Any Naga or Kuki tribe.
16. Any other tribe or community notified by the Government of Assam.

## **Part IX**

## ORISSA.

1. A resident of the State of Orissa belonging to any of the following tribes:—

1. Bagata.
2. Baniar.
3. Chenchu.
4. Gadaba.
5. Gond.
6. Jatapu.
7. Khond (Kond).
8. Konda-Dora.
9. Koya.
10. Paroja.
11. Saora (Savar).
12. Oraon.
13. Santal.
14. Kharia.
15. Munda.
16. Banjara.
17. Binjhia.
18. Kisan.
19. Kofi.
20. Kora.

II. A resident of any of the following areas, that is to say, the Koraput and Khondmals Districts and the Ganjam Agency belonging to either of the following tribes:—

1. Dom or Dombo.
2. Pan or Pano.

III. A resident of the Sambalpur District belonging to any of the following tribes:—

1. Bauri.
2. Bhuiya.
3. Bhumij.
4. Ghasi.
5. Turi.
6. Pan or Pano.

## APPENDIX

*Separate notes submitted to the Constituent Assembly by Shri Alladi Krishnaswami Ayyar, Member, Drafting Committee*

While I may point out that there is no difference in principle between my colleagues and myself either in regard to the distribution of legislative power between the Parliament and the Units or in regard to the Union Parliament assuming power over a subject in the Provincial (State) List when it assumes or becomes of national importance, I should like to submit the following separate note for the consideration of the Constituent Assembly in regard to the articles bearing on the above matters, i.e., Articles 217, 223(1) and 226.

*Distribution of Legislative Powers.—Articles 217 and 223(1)*

2. The question as to the distribution of legislative power has been decided by the Constituent Assembly and it is settled that the residuary power should vest in the Centre. The only question, therefore, is how to frame the articles so as to carry out this idea. My colleagues have decided to follow the scheme in Section 100 of the Government of India Act and to have a separate article for the residuary power as also to have it as an item in the list of subjects allotted to the Union. The point of my plan is that inasmuch as it is agreed that the residuary power is to vest in the Centre (Union Parliament) the various enumerated items in the Union list are merely illustrative of the general residuary power vested in the Centre. The proper plan, therefore, is to define the powers of the States or Provincial Units in the first instance, then deal with the concurrent power and lastly deal with the power of the Centre or the Union Parliament while at the same time making out a comprehensive list of the powers vested in the Centre by way of illustration to the general power. The plan adopted in Section 100 of the Government of India Act was to some extent accounted for by the fact that there was no agreement then among political parties as regards the location of residuary power and it was left for the Governor-General to decide by which Legislature the residuary power was to be exercised in any particular place in cases not covered by any of the Lists. There is no such problem facing us now. A canvassing of the meaning and import of individual items in the Central List has become of much less importance now than under the provisions of the Government of India Act.

The repetition of "notwithstanding" in every clause of Section 100 has been the subject of prolonged and unnecessary arguments in courts.

No complication is likely to arise by reason of the States in Part III coming into the scheme of the Union as according to the draft Constitution the scheme of distribution is subject to agreement between the States and that is provided for by articles 224 and 225.

Further, in the articles as framed there is no provision to the effect that the

power of legislation carries with it the power to make any provisions essential to the effective exercise of the legislative authority. Some such provisions occur in the Australian and American Constitutions, *vide* Section 51 of the Australian Constitution and Article I, Section 8, Sub-section 38 of the American Constitution.

I would, therefore, suggest for the consideration of *the* Constituent Assembly the following article as a substitute for Articles 217 and 223(1) in the draft.

"(1) The Legislature of the States in Part I, Schedule I, shall have exclusive power to make laws for the State or for any part thereof in relation to matters falling with the classes of subjects specified in List I (corresponding to Provincial Legislative List).

"(2) The Legislature of any of the States in Part I, Schedule I, shall in addition to the powers under Clause (1) have power to make laws for the State or any part thereof in relation to matters falling within the classes of subjects specified in List II, provided, however, that the Union Parliament shall also have power to make laws in relation to the same matters within the entire area of the Union or any part thereof, and an Act of the legislature of the State shall have effect in and for the State as long as and as far only as it is not repugnant to any Act of the Union Parliament.

"(3) In addition to the powers conferred by the previous sub-section, the Union Parliament may make laws for the peace, order and good government of the Union or any part thereof in relation to all matters not falling within the classes of subjects enumerated in List I and in particular and without prejudice to the generality of the foregoing, the Union Parliament shall have exclusive power to make laws in relation to all matters falling within the classes of subjects enumerated in List III.

"(4) (a) The Union Parliament shall have power to make laws for the peace, order and good government of the States in Part II, Schedule 1.

(b) Subject to the general powers of Parliament under Sub-section (a), the Legislature of the States in Part II, Schedule I, shall have the power to make laws in relation to matters coming within the following classes of subjects:

Provided, however, that any law passed by that Unit shall have effect in and for that Unit so long and as far only as it is not repugnant to any law of the Union Parliament.

(This provision is necessary, if the recommendations of the *ad hoc* Committee on Chief Commissioners' Provinces in this regard are accepted.)

"(5) The power to legislate either of the Union Parliament or the Legislature of any State shall extend to all matters essential to the effective exercise of the legislative authority, vested in the particular legislature.

"(6) Where a law of a State is inconsistent with a law of the Union Parliament or to any existing law with respect to any of the matters enumerated in List I or (List II), the law of the Parliament or as the case may be the existing law shall prevail and the law of the State shall to the extent to repugnancy be void."

(This follows the Australian and American provisions. Without embarking upon an examination of each section and each clause, a court may easily come to the conclusion that an Act taken as a whole is repugnant to another law).

If it is felt necessary, special provision may be inserted in regard to laws in respect of matters in the Concurrent List: on the lines of Article 231(2) though I think such a provision may not be necessary in view of the overriding power of the Central Legislature.

### ***Articles 226 and 228***

3. I accept the principle underlying article 226 that if any subject in the Provincial List assumes national importance or becomes one of national interest in the language of the article, it ought to be possible for the Union to encroach (if one may use that expression) upon the Provincial field and take to itself the power to legislate on any subject in the Provincial List. But the very basis of the assumption of that power is that the subject can no longer be regarded as one merely of importance for the particular State but has assumed national dimensions. If these premises be correct, there is no justification for a State to continue to retain the power. The object of the assumption of the power by the Union is not by some simple or easy method without having recourse to a change in the Constitution to convert what is Provincial or State power into a concurrent power. This principle is not kept in view in Article 228 which provides that the province will continue to have the legislative power in the particular subject. The conversion of what is a Provincial power into a concurrent power would offer a premium for interference by the Centre and may strike ultimately at the federal structure of the Constitution itself. I would, therefore, suggest the substitution of the following words :—

"on the ground that any matter enumerated in the State List has assumed

national importance" for the words:

"or expedient in the national interest.....resolution" and add the words :

"that Parliament should make laws with respect to such matter";

before the words "it shall be lawful for the Parliament etc."

In article 228 for the words "Nothing in articles 226 and 227" substitute "Nothing in article 227".

**ALLADI KRISHNASWAMI.**

Article 218 is unnecessary, as it deals with the Supreme Court which is an item in List 1.

Article 221 deals with a High Court. There is no point in specially providing for the jurisdiction as the jurisdiction of all Courts including the High Court is covered by items relating to the jurisdiction in the 3 Lists. As the articles dealing with the distribution of legislative power specially refer to the Lists, a separate article dealing with the Supreme High Court is superfluous and unnecessary.

**ALLADI KRISHNASWAMI.**

**By Order,  
H. V. R. IENGAR,  
Secretary.**